

***** PUBLIC DOCKET *****

CLOSED

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:20-cv-00419-JRS-MJD**

VERONICA v. ELMORE et al
Assigned to: Judge James R. Sweeney II
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 08/17/2020
Date Terminated: 09/02/2021
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**SOLORIO VERONICA**

represented by **SOLORIO VERONICA**
16016-112
TERRE HAUTE - USP
TERRE HAUTE U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808
PRO SE

V.

Defendant**PENNY ELMORE**
C.M.A.

represented by **Alex Maurice Beeman**
REMINGER CO. LPA (Indianapolis)
College Park Plaza
8909 Purdue Road
Suite 200
Indianapolis, IN 46268
(317) 854-8233
Fax: (317) 228-0943
Email: abeeman@reminger.com
ATTORNEY TO BE NOTICED




Date Filed	#	Docket Text
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08/17/2020	1	COMPLAINT against PENNY ELMORE, TOMMY J. WATSON, WILLIAM WILSON, filed by SOLORIO VERONICA. (No fee paid with this filing) (Attachments: # 1 Envelope). (AKH) (Entered: 08/17/2020)
08/17/2020	2	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Exhibit Inmate Inquiry, # 2 Envelope). (AKH) (Entered: 08/17/2020)
08/17/2020	3	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AKH) (Entered: 08/17/2020)
08/18/2020	4	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy distributed to Plaintiff via US mail. (TMC) (Entered: 08/18/2020)
08/19/2020	5	ORDER denying 2 Motion for Leave to Proceed in forma pauperis. The plaintiff shall have through September 18, 2020, in which to pay the full filing fee to the Clerk of this Court. Copy to Plaintiff via US Mail. Signed by Judge James R. Sweeney II on 8/19/2020. (KAA) (Entered: 08/19/2020)
08/25/2020	6	CONSENT to Jurisdiction to US Magistrate Judge by SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 08/25/2020)
09/14/2020	7	RECEIPT #IP070660 for civil filing fee in the amount of \$400.00, paid by the plaintiff. (AKH) (Entered: 09/14/2020)
10/15/2020	8	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Solorio Veronica. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (AAS) (Entered: 10/19/2020)
12/10/2020	9	ORDER SCREENING THE COMPLAINT, DISMISSING DEFICIENT CLAIMS, AND DIRECTING SERVICE OF PROCESS - If Mr. Veronica believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through January 4, 2021, to identify those claims. Mr. Veronica's Eighth Amendment deliberate indifference claims shall proceed against Penny Elmore and Dr. William Wilson in their individual capacities. All other claims are dismissed. The clerk is directed to terminate Warden Tommy J. Watson as a defendant on the docket. The clerk is directed pursuant to Fed. R. Civ. P. 4(c) (2), to issue process to defendants Penny Elmore and Dr. William Wilson. Process shall consist of a summons, personal service is required. The Marshal for this District or his Deputy shall serve the summons, together with a copy of the complaint dkt. 1 , and a copy of this Order, on each defendant and on the officials designated, at the expense of the United States. SEE ORDER. Distributed pursuant at distribution list. Signed by Judge James R. Sweeney II on 12/10/2020.(KAA) (Entered: 12/10/2020)

12/10/2020	10	Summons Issued as to PENNY ELMORE, WILLIAM WILSON. (Attachments: # 1 USM 285 Form 4 total)(KAA) (Entered: 12/10/2020)
12/10/2020	11	Documents for service by USM - re 1 Complaint, 9 Order, 10 Summons Issued. Electronic notice to USM-C.(KAA) (Entered: 12/10/2020)
02/12/2021	12	MOTION to Dismiss Defendant Elmore, filed by defendant PENNY ELMORE. (Attachments: # 1 Exhibit, # 2 Envelope)(AAS) Modified on 3/5/2021 to show correct filer. (MEH). (Entered: 02/17/2021)
03/04/2021	13	RETURN of USM Service OFFICE OF THE UNITED STATES ATTORNEY served on 1/13/2021. (AAS) (Entered: 03/04/2021)
03/04/2021	14	RESPONSE in Opposition to 12 MOTION to Dismiss, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(JRB) (Entered: 03/05/2021)
03/15/2021	15	NOTICE of Appearance by Gina M. Shields on behalf of Defendant WILLIAM WILSON. (Shields, Gina) (Entered: 03/15/2021)
03/15/2021	16	ANSWER to 1 Complaint , <i>Affirmative Defenses, and Demand for Jury Trial</i> , filed by WILLIAM WILSON.(Shields, Gina) (Entered: 03/15/2021)
03/15/2021	17	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant WILLIAM WILSON. (Attachments: # 1 Exhibit A - Declaration of Renee Turner, # 2 Exhibit 1 to Turner Decl. - Inmate Quarters History, # 3 Exhibit 2 to Turner Decl. - Public Information Inmate Data, # 4 Exhibit 3 to Turner Decl. - Admin. Remedy Retrieval, # 5 Exhibit 4 to Turner Decl. - Remedy Packet for Remedy Case No. 999152)(Shields, Gina) (Entered: 03/15/2021)
03/15/2021	18	BRIEF/MEMORANDUM in Support re 17 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant WILLIAM WILSON. (Shields, Gina) (Entered: 03/15/2021)
03/15/2021	19	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendant WILLIAM WILSON (Shields, Gina) (Entered: 03/15/2021)
03/17/2021	20	ORDER DENYING DEFENDANT ELMORE'S MOTION TO DISMISS - denying without prejudice 12 Motion to Dismiss. The clerk is directed to update the docket to reflect that Ms. Elmore has appeared in this action pro se and to list her mailing address consistent with the distribution portion of the Entry.Ms. Elmore shall have through April 21, 2021, to file an Answer to the Complaint. SEE ORDER. Copy to Plaintiff and Ms. Elmore via US Mail. Signed by Judge James R. Sweeney II on 3/17/2021. (KAA) (Entered: 03/17/2021)
03/25/2021	21	RESPONSE in Opposition to 17 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(JRB) (Entered: 03/26/2021)

04/07/2021	22	REPLY in Support of Motion re 17 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant WILLIAM WILSON. (Shields, Gina) (Entered: 04/07/2021)
04/23/2021	23	ANSWER to Complaint, filed by Defendant PENNY ELMORE. (Attachments: # 1 Exhibit, # 2 Envelope)(AAS) (Entered: 04/26/2021)
05/04/2021	24	ORDER DENYING DEFENDANT ELMORE'S MOTION TO RECONSIDER - The motion to reconsider, dkt. 23 , is DENIED. The Court orders Ms. Elmore to answer the complaint by May 28, 2021. The failure to meet this deadline may result in a judgment of default in favor of Mr. Veronica. The clerk is directed to send Ms. Elmore a copy of the Court's pro se answer form with her copy of this order. Ms. Elmore will find additional resources for pro se litigants on the Court's website: https://www.insd.uscourts.gov/representing-yourself-united-states-district-court . Ms. Elmore should use these resources if she chooses to proceed pro se. However, she is strongly encouraged to obtain representation. Copy sent to parties via US Mail. Signed by Judge James R. Sweeney II on 5/4/2021. (Attachments: # 1 Answer Form) (JRB) (Entered: 05/04/2021)
05/05/2021	25	RETURN of USM Service PENNY ELMORE served on 1/22/2021. (AAS) (Entered: 05/05/2021)
05/05/2021	26	RETURN of USM Service WILLIAM WILSON served on 1/4/2021. REMARK: BOP Legal Accepted Service.(AAS) (Entered: 05/05/2021)
05/05/2021	27	MOTION to Appoint Counsel, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 05/06/2021)
05/11/2021	28	**PLEASE DISREGARD - WITHDRAWN AT 32 ** ANSWER to Complaint 1 , filed by Defendant PENNY ELMORE. (Attachments: # 1 Exhibit, # 2 Envelope)(JRB) Modified on 5/14/2021 - created link to 1 (RSF). Modified on 5/25/2021 (KAA). (Entered: 05/13/2021)
05/18/2021	29	Mail Returned as RETURN TO SENDER; NOT AT THIS INSTITUTION. 24 Order on Motion for Summary Judgment sent to PENNY ELMORE at FCI Terre Haute. (JRB) (Entered: 05/18/2021)
05/20/2021	30	NOTICE of Appearance by Alex Maurice Beeman on behalf of Defendant PENNY ELMORE. (Beeman, Alex) (Entered: 05/20/2021)
05/20/2021	31	MOTION to Withdraw 28 Answer , <i>Reconsideration Motion to Dismiss Bivens Action against Private Contractor and Summary Judgment</i> , filed by Defendant PENNY ELMORE. (Attachments: # 1 Text of Proposed Order)(Beeman, Alex) (Entered: 05/20/2021)
05/25/2021	32	ORDER ON DEFENDANT ELMORE'S MOTION TO WITHDRAW - granting 31 Motion to Withdraw 28 Answer. Ms. Elmore's Answer, by counsel, will serve as her operative responsive pleading so long as it is timely filed by May 28,

		2021. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 5/25/2021. (KAA) (Entered: 05/25/2021)
05/26/2021	33	ANSWER to Plaintiff's Complaint, Affirmative Defenses, and Jury Demand, filed by Defendant PENNY ELMORE. (Beeman, Alex) (Entered: 05/26/2021)
05/26/2021	34	MOTION for Summary Judgment , filed by Defendant PENNY ELMORE. (Attachments: # 1 Exhibit A - Affidavit of Penny Elmore, # 2 Exhibit B - Affidavit of Scott Weaver)(Beeman, Alex) (Entered: 05/26/2021)
05/26/2021	35	BRIEF/MEMORANDUM in Support re 34 MOTION for Summary Judgment , filed by Defendant PENNY ELMORE. (Beeman, Alex) (Entered: 05/26/2021)
05/26/2021	36	NOTICE Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment, filed by Defendant PENNY ELMORE, re 35 Brief/Memorandum in Support, 34 MOTION for Summary Judgment . (Beeman, Alex) (Entered: 05/26/2021)
06/16/2021	37	RESPONSE in Opposition re 34 MOTION for Summary Judgment , filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Exhibit, # 2 Envelope)(AAS) (Entered: 06/16/2021)
06/17/2021	38	ORDER DENYING MOTION FOR ASSISTANCE RECRUITING COUNSEL - denying 27 Motion for assistance recruiting counsel without prejudice. The clerk is directed to send Mr. Veronica a motion for assistance recruiting counsel form, which he must use if he chooses to renew his motion. Copies to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 6/17/2021. (Attachments: # 1 Motion for Counsel Form) (KAA) (Entered: 06/18/2021)
06/21/2021	39	ORDER GRANTING SUMMARY JUDGMENT FOR DEFENDANT WILSON EXHAUSTION OF ADMINISTRATIVE REMEDIES - granting 17 Motion for Summary Judgment, and the claim against Dr. Wilson is DISMISSED WITHOUT PREJUDICE.The clerk is directed to terminate William Wilson as a defendant on the docket. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 6/21/2021. (KAA) (Entered: 06/21/2021)
06/25/2021	40	REPLY in Support of Motion re 34 MOTION for Summary Judgment , filed by Defendant PENNY ELMORE. (Beeman, Alex) (Entered: 06/25/2021)
07/01/2021	41	MOTION to Appoint Counsel, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 07/07/2021)
07/01/2021	42	MOTION for Reconsideration re 39 Order on Motion for Summary Judgment, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 07/07/2021)
07/06/2021	43	Surreply re 34 MOTION for Summary Judgment , filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(TMC) (Entered: 07/07/2021)

07/08/2021	44	Submission of Attempted Counsel regarding Motion to Appoint Counsel filed by Amelia Veronica. (AAS) (Entered: 07/08/2021)
07/15/2021	45	RESPONSE in Opposition re 42 MOTION for Reconsideration re 39 Order on Motion for Summary Judgment , filed by Defendant WILLIAM WILSON. (Shields, Gina) (Entered: 07/15/2021)
07/26/2021	46	REPLY in Support of Motion re 42 MOTION for Reconsideration re 39 Order on Motion for Summary Judgment, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 07/27/2021)
09/01/2021	47	ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT - denying 42 Motion to alter or amend the judgment. See Order. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 9/1/2021. (KAA) (Entered: 09/01/2021)
09/02/2021	48	ORDER DENYING MOTION FOR ASSISTANCE RECRUITING COUNSEL - The Court finds that Mr. Veronica has been competent to represent himself in this action, and his motion for assistance recruiting counsel, dkt. 41 , is DENIED. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 9/2/2021. (KAA) (Entered: 09/02/2021)
09/02/2021	49	ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - granting 34 Motion for Summary Judgment and the claim against Ms. Elmore is DISMISSED with prejudice. Final Judgment in accordance with this Order shall now issue. (SEE ORDER) Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 9/2/2021. (KAA) (Entered: 09/02/2021)
09/02/2021	50	FINAL JUDGMENT - Final Judgment is entered in favor of the defendants and against the plaintiff. The claim against defendant Penny Elmore is DISMISSED with prejudice. The claim against Dr. William Wilson is DISMISSED without prejudice. Copy to plaintiff via US Mail. Signed by Judge James R. Sweeney II on 9/2/2021.(KAA) (Entered: 09/02/2021)
10/04/2021	 51	MOTION to Alter or Amend Judgment, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 10/05/2021)
10/04/2021	 52	MOTION Requesting Status of Case and Requesting Copies, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 10/05/2021)
10/04/2021	 53	MOTION Requesting Permission to Act as Next of Friend Agent by Nathan Railey, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 10/05/2021)
10/04/2021	54	NOTICE to the Court, filed by Plaintiff SOLORIO VERONICA (Attachments: # 1 Cover Letter, # 2 Envelope) (TPS) (Entered: 10/05/2021)

10/06/2021	55	NOTICE to the Court, filed by Plaintiff SOLORIO VERONICA (Attachments: # 1 Cover Letter, # 2 Envelope) (AAS) (Entered: 10/06/2021)
10/06/2021	 56	MOTION for Extension of Time to File Motion for Reconsideration, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 10/06/2021)
10/18/2021	57	RESPONSE in Opposition re 56 MOTION for Extension of Time to <i>file Motion to Reconsider Pursuant to FRCP 59(e)</i> , filed by Defendant PENNY ELMORE. (Beeman, Alex) (Entered: 10/18/2021)
10/18/2021	58	RESPONSE in Opposition re 53 MOTION <i>Requesting Permission to Act as Next Friend Agent</i> , filed by Defendant PENNY ELMORE. (Beeman, Alex) (Entered: 10/18/2021)
10/27/2021	59	REPLY in Support of Motion re 53 MOTION Requesting Permission to Act as Next of Friend Agent by Nathan Railey, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Cover Letter, # 2 Envelope)(TPS) (Entered: 10/28/2021)
10/27/2021	60	REPLY in Support of 56 MOTION for Extension of Time to, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(TPS) (Entered: 10/28/2021)
10/27/2021	61	NOTICE Upon Case, filed by Plaintiff SOLORIO VERONICA (Attachments: # 1 Envelope) (TPS) (Entered: 10/28/2021)
11/02/2021	62	NOTICE <i>Regarding Recent Filings</i> , filed by Defendant WILLIAM WILSON, re 59 Reply in Support of Motion, 60 Reply in Support of Motion. (Shields, Gina) (Entered: 11/02/2021)
11/10/2021	 63	MOTION for Relief from Judgment, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Cover Letter, # 2 Envelope)(AAS) (Entered: 11/12/2021)
11/10/2021	 64	MOTION for Leave to Amend 1 Complaint, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 11/12/2021)
11/10/2021	65	RESPONSE, re 62 Notice Regarding Recent Filings, filed by Plaintiff SOLORIO VERONICA. (Attachments: # 1 Envelope)(AAS) (Entered: 11/12/2021)
11/22/2021	66	RESPONSE in Opposition re 63 MOTION <i>for Relief from Judgment</i> , filed by Defendant WILLIAM WILSON. (Shields, Gina) (Entered: 11/22/2021)
11/22/2021	67	RESPONSE in Opposition re 64 MOTION to Amend/Correct 1 Complaint , filed by Defendant WILLIAM WILSON. (Shields, Gina) (Entered: 11/22/2021)

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